

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

JACOB LIDDELL,

Plaintiff,

ORDER

v.

13-cv-590-wmc

TIM HAINES, *et al.*,

Defendants.

---

State inmate Jacob Liddell filed a proposed civil action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. He has been granted leave to proceed *in forma pauperis* and he has made an initial partial payment toward the full amount of the filing fee in compliance with 28 U.S.C. § 1915(b). Now pending before the court is a letter from Liddell, asking to “withdraw [his] lawsuit.”

The court construes the letter as a request for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A), which allows dismissal upon the plaintiff’s request before the opposing party serves either an answer or a motion for summary judgment. Because no responsive pleading has been requested or received in this case, the motion will be granted and the case will be dismissed without prejudice. *See Smith v. Potter*, 513 F.3d 781, 782-83 (7th Cir. 2008) (observing that a plaintiff’s motion for voluntary dismissal filed before the opposing party serves either an answer or dispositive motion automatically effects dismissal of the case); *see also Nelson v. Napolitano*, 657 F.3d 586,

587-88 (7th Cir. 2011) (discussing the effect of a voluntary dismissal under Rule 41(a)) (collecting cases).

ORDER

IT IS ORDERED that:

1. The motion for voluntary dismissal filed by plaintiff Jacob Liddell (Dkt. # 13) is GRANTED.
2. The complaint is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a). The clerk's office shall terminate all pending motions and close this case.

Entered this 18th day of September, 2013.

BY THE COURT:

/s/

---

WILLIAM M. CONLEY  
District Judge